

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Francis Lee Summers, III, individually and
On behalf of all others similarly situated, : **No. 07-Civ-11615 (UA)**
Plaintiffs,
:
v.
:
MERRILL LYNCH & CO., INC.; STAN
O'NEAL; LOU DIMARIA; INVESTMENT
COMMITTEE OF THE MERRILL LYNCH
SAVINGS AND INVESTMENT PLAN;
ADMINISTRATIVE COMMITTEE OF THE
MERRILL LYNCH SAVINGS AND
INVESTMENT PLAN; and JOHN DOES 1 - 30,
Defendants.
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X

[*additional captions follow*]

**PLAINTIFF FRANCIS LEE SUMMERS III'S MOTION
TO CONSOLIDATE AND FOR APPOINTMENT
OF INTERIM CO-LEAD COUNSEL FOR THE CLASS**

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& ABRAMS, LLP**
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*Counsel for Plaintiff Francis Lee Summers, III
and Proposed Interim Co-Lead Counsel for the Class*

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ELIZABETH ESTEY, individually and on
behalf of all others similarly situated,

Plaintiffs,

Case No. 07-Civ-10268 (LBS)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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MARY GIDARO, individually and on
behalf of all others similarly situated,

Plaintiffs,

Case No. 07-Civ-10273 (LBS)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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TARA MOORE, individually and on
behalf of all others similarly situated,

Plaintiffs,

Case No. 07-Civ-10398 (DC)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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GREGORY YASHGUR, individually and
on behalf of all others similarly situated,

Plaintiffs,

Case No. 07-Civ-10569 (JSR)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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CHRISTINE DONLON, individually and
on behalf of all others similarly situated, :

Plaintiffs, : Case No. 07-Civ-10661(CM)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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CARL ESPOSITO, individually and
On behalf of all others similarly situated, :

Plaintiffs, : Case No. 07-Civ-10687 (JGK)

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

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SEAN SHAUGHNESSEY, individually and :
on behalf of all others similarly situated, :

Plaintiffs, : Case No. 07-Civ-10710 (GEL)

v.

MERRILL LYNCH & CO., INC., :
E. STANLEY O'NEAL, CAROL T. :
CHRIST, ARMANDO M. CODINA, :
VIRGIS W. COLBERT, JILL K. :
CONWAY, ALBERTO CRIBIORE, :
JOHN D. FINNEGAN, JUDITH :
MAYHEW JONAS, DAVID K. :
NEWBIGGING, AULANA L. PETERS, :
JOSEPH W. PRUEHER, ANN N. REESE, :
CHARLES O. ROSSOTTI, LOUIS :
DIMARIA, PETER STINGI and JOHN :
AND JANE DOES 1-20, :

Defendants. :

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BARBARA BOLAND, individually and :
on behalf of all others similarly situated, :

Plaintiffs, : Case No. 07-Civ-11054 (MGC)

v.

MERRILL LYNCH & CO., INC., :
E. STANLEY O'NEAL, CAROL T. :
CHRIST, ARMANDO M. CODINA, :
VIRGIS W. COLBERT, JILL K. :
CONWAY, ALBERTO CRIBIORE, :
JOHN D. FINNEGAN, JUDITH :
MAYHEW JONAS, DAVID K. :
NEWBIGGING, AULANA L. PETERS, :
JOSEPH W. PRUEHER, ANN N. REESE, :
CHARLES O. ROSSOTTI, LOUIS :
DIMARIA, PETER STINGI and JOHN :
AND JANE DOES 1-20, :

Defendants. :

-----X

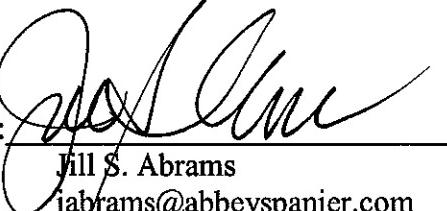
PLEASE TAKE NOTICE that in consideration of the Motion of Plaintiff, Francis Lee Summers, III, to Consolidate and For Appointment of Interim Co-Lead Counsel for the Class, the Memorandum of Law in support thereof, and the Affidavit of Jill S. Abrams, Plaintiff, Francis Lee Summers, III, will move this Court, on February 21, 2008 at 2:15pm or on a date and time to be set by the Court, before the Honorable Leonard B. Sand, at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 15-A, for an Order consolidating the above-captioned actions and appointing Spector, Roseman & Kodroff, P.C. and Stember Feinstein Doyle & Payne, LLC as Interim Co-Lead Counsel, and Abbey Spanier Rodd & Abrams, LLP as Interim Liaison Counsel.

This Motion is based on the accompanying Memorandum of Law, the Affidavit of Jill S. Abrams, and all papers and pleadings on file in this and the related cases filed with this Court.

DATED: January 11, 2008

Respectfully submitted,

By:


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Counsel for the Class*